

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Application No. 09/868,767

Q64814

REMARKS

Upon entry of the Amendment, Claims 1 and 3-9 are all the claims pending in the application. Claim 1 is amended as described further below. The amendment to Claim 1 finds support, for example, at page 2, last paragraph and page 6, last full paragraph. Claims 5-9 are new claims. Claim 5 finds support, for example, at page 2, last paragraph, and page 6, last full paragraph. Claim 6 finds support, for example, at page 5, second full paragraph. Claim 7 finds support, for example, at page 5, last paragraph. Claims 8 and 9 find support, for example, at page 6, first full paragraph. No new matter is added. Entry of the Amendment is respectfully requested.

Reconsideration and review of the claims on the merits are respectfully requested.

Formal Matters

Applicants appreciate that the Examiner has acknowledged Applicants' claim for foreign priority, and further confirmed receipt of the certified copy of the priority document in this National Stage application from the International Bureau.

Applicants request that the Examiner forward an initialed Form PTO-1449 for the IDS filed July 31, 2001, in the next Office communication.

Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1, 3 and 4 are rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Japanese Publication 8-73836 as translated by U.S. Pat. No. 5,883,175 to Kubo et al for the reasons given in the Office Action.

Applicants respond as follows.

Claim 1 is amended to clarify that a polymer in the dispersion consists essentially of the polymer (A) prepared by emulsion polymerization of a polymerizable compound (that is, a fluorine-containing monomer, and not a fluorine-containing polymer) in an aqueous medium containing tripropylene glycol.

Applicants submit that the dispersion of the presently claimed invention is different from and unobvious over JP 8-73836. JP 8-73836 discloses the polymer emulsion prepared by dissolving polyfluoroalkyl group-containing (meth)acrylate polymer in a fluorine-free monomer such as (meth)acrylate ester and vinyl chloride, and emulsifying the resultant solution in water optionally containing tripropylene glycol (see Kubo, claim 1 and column 5, lines 6-23). In JP 8-73836, the fluorine-free monomer is polymerized in the presence of the fluorine-containing polymer in water containing tripropylene glycol so that the dispersion contains the fluorine-free polymer and the fluorine-containing polymer. In contrast, Applicants' fluorine-containing monomer is polymerized in water containing tripropylene glycol to give the fluorine-containing polymer. In the present invention, a polymer in the dispersion consists essentially of said fluorine-containing polymer. The polymer itself of claim 1 is different from the polymer of JP 8-73836. Thus, the dispersion of claim 1 is different from the dispersion of JP 8-73836. In

addition, the dispersion of claim 1 is not obvious over JP 8-73836, because, for example, the exclusion of the polymerization of the fluorine-free monomer from JP 8-73836 cannot be easily conceived.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 1, 3 and 4 are rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Japanese Publication 8-73836 as translated by U.S. Pat. No. 5883175 Kubo et al for the reasons given in the Office Action.

Applicants traverse the rejection for the reasons as follows in addition to the reasons set forth above.

Kubo et al. lists several examples of water-soluble organic solvents including acetone, methyl ethyl ketone, ethyl acetate, propylene glycol, dipropylene glycol, tripropylene glycol, ethanol and the like. However, whereas Kubo et al. contemplates that any of the previous water-soluble organic solvents may be added to improve emulsifiability, Applicants claim the use of tripropylene glycol.

Thus, it would not have been obvious to one of ordinary skill in the art to use the instantly claimed combination of ingredients and amounts thereof to achieve an object of the present invention, namely, to provide an aqueous water- and oil-repellent dispersion having durable water- and oil-repellency and excellent storage stability.

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Applicants point the Examiner to, for example, Applicants' experimental data from Table 3 of the specification which indicates excellent storage stability with no precipitation when tripropylene glycol is used in Examples 1-5. On the other hand, using other solvents such as propylene glycol and dipropylene glycol in Comparative Examples 1-5 produced less than excellent storage stability with usually much precipitation, sometimes slight precipitation.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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